IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10317 of 2004

Between:

Mohd. Nooruddin, S/o. Mohd. Moinuddin,
R/o. 1-55/3, Post (V)- Fathenagar Mandal, Navipet, Nizamabad.

..... PETITIONER

AND

The Branch Manager, UTI Bank Limited. 6-3-879/B, 1st Floor
Greenlands,
Begumpet Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus restraining the Respondent from Seizing the Petitioners Vehicle No.AP 25U 5786 Without Following due process of Law. and Consequently declare the action of the Respondent in allowing the private agency like sri Ram Securities Limited, Naizamabad to seize the vehicle No. AP 25U 5786 without any aurthorization as bad in law and violative of Principles of Natural Justice

For the Petitioner:MR.B.SUDHAKAR REDDY

& NEERAJA REDDY ---ADVOCATES

For the Respondent No.: DR.P.B.VIJAY KUMAR

The Court at the stage of admission, made the Following :

ORDER:

The present writ petition is filed seeking a direction restraining the respondent from seizing the petitioner's vehicle No.AP 25 U 5786 and to consequently declare the action of the respondent in allowing the private agency like Sri Ram Securities Limited, Nizamabad to seize the petitioner's vehicle without any authorization as bad in law.

The petitioner said to have purchased a heavy motor vehicle bearing registration No. AP 25 U 5786 under hypothecation to the respondent bank and said to have paid the monthly instalments regularly upto February,2004. It is also stated that due to some financial constraints the petitioner could not pay the instalments from March 2004 and sought for grant of some time for payment of the same. While so, the petitioner allege that the respondent bank has orally requested certain private agency to recover the loan and the said agency is trying to seize the vehicle in question. Questioning the said action, the present writ petition is filed.

Heard learned counsel for petitioner and learned counsel for respondent.

The petitioner having availed a loan from the respondent bank under an agreement and having committed default of the same, cannot question the action of the respondent in recovery of the loan amount, in writ proceedings. The transaction entered between the petitioner and respondent bank is governed by an agreement, if any conditions of the

agreement are violated, the proper remedy for the petitioner is to approach the competent Civil Court. This court normally cannot interfere in the contractual matters, which are governed by an agreement. The writ petition fails and is liable to be dismissed and accordingly the same is hereby dismissed.

At this stage, learned counsel for petitioner submitted that petitioner has made an application to the respondent bank seeking time for payment of loan and no orders are passed thereon and the same is pending. If any such application is pending, the respondent bank is at liberty to consider the same and pass appropriate orders thereon in accordance with law.

N.V.RAMANA,J

23-6-2004

TVK/DA

To

1.. The Branch Manager, UTI Bank Limited. 6-3-879/B, 1st Floor
Greenlands,
Begumpet Road, Hyderabad.

2.2CD copies

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